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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,372	12/08/2000	Paul R. Petersen	M00-175100	1974

7590 12/16/2003

A. Richard Park
Park & Vaughan LLP
Suite 201
508 Second Street
Davis, CA 95616

EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,372

Applicant(s)

PETERSEN, PAUL R.

Examiner

Forest Thompson Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 have been examined.
-

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sipple et al. (U.S. Patent No. 6,405,327), alSafadi et al. (U.S. Patent No. 6,467,088), Smith et al. (U.S. Patent No. 5,848,250), and Katz et al. (U.S. Patent No. 6,055,513).

Claims 1-21: Applicant's invention of a system that facilitates a purchase of merchandise by a customer or user is disclosed in the following identified prior art. Applicant's invention teaches a method for determining upgrade requirements for a computer system (specifically, a memory upgrade). However, the invention is taught by an upgrade of any device/software/hardware/system, which is taught by prior art that disclose determining system upgrades and making purchases on-line. Specific prior art that, when combined, teach applicant's invention include:

- (a) Sipple et al. discloses performance monitoring of a user system to determine possible system upgrades that would improve performance of the system. System

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performance is monitored and compared to previous performance data to identify performance degradation or limitations that may be overcome by upgrades to the system. Sipple et al. also identifies specific upgrades that could impact system performance problems. (Abstract). Additionally, Sipple et al. discloses:

- the automatic performance monitoring procedure preferably only obtains results from three of the computer subsystems, namely: 1) the instruction processor, 2) the memory, and 3) the input/output processor (col. 10 lines 9-12).
- In this example, the performance monitoring process 1100 has detected an actual performance limiter in the I/O processor of the computer system. The console display 1116 contains a simple message 1200 indicating a performance problem, and a suggested course of action for correcting the problem (in this case, a part number for an enhanced I/O processor unit) (col. 11 lines 8-14).
- A second message 1202 shown on the console display 1116 describes an early warning performance problem in the instruction processor subsystem. In this instance, the message provides the user with the actual percentage utilization of the subsystem. The message also includes a suggested course of action for correcting the problem (in this case, a part number for an enhanced instruction processor subunit) (col. 11 lines 17-23).
- an easy-to-understand informational message is provided to a user such as a computer operator identifying subsystems that are performance inhibitors along with suggestions of specific upgrade solutions that will address the identified performance problems (col. 6 lines 24-29).

- Block 1066 then receives control from block 1062 via interface 1065. Block 1066 will notify the computer operator of any performance limiters detected in block 1062 (col. 10 lines 63-65).

(b) alSafadi et al. discloses:

- a reconfiguration manager 10 interacts with an electronic device 12 also referred to as "Device X." The device 12 may represent a desktop, laptop or palmtop computer, a personal digital assistant (PDA), a telephone, television, set-top box or any other type of consumer electronic processing device. The device 12 includes a number of software components 14A, 14B and 14C, corresponding to version 1.1 of a software component A, version 2.3 of a software component B, and version 2.0 of a software component C, respectively. The reconfiguration manager 10 may be implemented on a computer, a set of computers, or any other type of data processing system or device. (col. 3 lines 15-26)

- In operation, the reconfiguration manager 10 receives a request 20 from the device 12. In this example, the request 20 indicates that a user of the device 12 wants to upgrade the device to include version 2.0 of software component A. The request in the illustrative embodiment also includes a list of the components currently in the device, i.e., version 1.1 of component A, version 2.0 of component C and version 2.3 of component B. The request may include additional information, such as any needed information regarding the interconnection of the components or other parameters associated with the device. (col. 4 lines 12-22)

- In step 100, the reconfiguration manager 10 obtains information regarding the hardware and software configuration of device X, i.e., electronic device 12 of FIG. 1. This information is generally included as part of the request 20 sent by the device 12 to the reconfiguration manager 10. In other embodiments, this information may be obtained in another suitable manner, e.g., from a local database based on a serial number or other identifier of the electronic device. (col. 4 lines 39-47)
- a particular set of upgrade configuration is selected in step 116, and the upgrade is approved in step 118 as compatible with the current configuration of device X. The selection in step 116 may be based at least in part on one or more established criteria, such as least expensive, maximum improvement in system operating speed, most recently modified, most energy efficient, or other suitable criteria. The reconfiguration manager or other server associated therewith then downloads the upgrade to device X in step 120. (col. 5 lines 9-18)
- Information regarding the particular components in the device may be determined, e.g., by accessing a local database using the device identifying information, may be supplied directly by the user, or may be determined using combinations of these and other techniques. (col. 6 lines 22-27)
- The above-described embodiments of the invention are intended to be illustrative only. For example, the invention can be used to implement upgrading or other reconfiguration of any desired type of software or hardware component, as well as combinations of these and other components, for any desired type of electronic device, and in many applications other than those described herein. The invention can also be

implemented at least in part in the form of one or more software programs which are stored on an otherwise conventional electronic, magnetic or optical storage medium and executed by a processing device, e.g., by the processors 220 and 230 of system 200. These and numerous other embodiments within the scope of the following claims will be apparent to those skilled in the art. (col. 6 lines 28-41)

(c) Smith et al. discloses:

- A system for upgrading a personal computer includes a motherboard having upgrade sockets for upgrading the CPU and the clock oscillator without the need to remove any components. The system includes sensing circuitry for detecting the type of component plugged into the upgrade socket and circuitry for disabling the upgraded component. In addition, the system includes software for reconfiguring various signals depending on the particular upgrade plugged into the upgrade socket. By providing a system that can be upgraded by merely inserting a newer component, upgrades can be performed rather quickly. In addition, the upgrade system allows the end user a plurality of upgrade options while at the same time allows the end user to take advantage of declining CPU prices. (Abstract)
- An important aspect of the invention is the ability of the system to provide multiple options with respect to the choice of CPU upgrades (col. 3 lines 8-10).

(d) Katz et al. discloses, in one aspect of the invention, goods, service or information are provided to the user via electronic communication, such as through a telephone,

videophone or other computer link, as determined by the steps of first, establishing communication via the electronic communications device between the user and the system to effect a primary transaction or primary interaction, second, obtaining data with respect to the primary transaction or primary interaction, including at least in part a determination of the identity of the user or prospective customer, third, obtaining at least a second data element relating to the user, fourth, utilizing the primary transaction or primary interaction data along with the at least second data element as factors in determining at least one good, service or item of information for prospective upsell to the user or prospective customer, and offering the item to the prospective customer.

(Abstract)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Williams et al. (U.S. Patent No.) teaches An application-specific integrated circuit (ASIC) for enabling access to memory. ASIC includes a decryptor, a valid authorization storage component, an upgrade verifier, an upgrade storage component, and an enabling component. The decryptor inputs an encrypted authorization code and outputs a decrypted authorization code. The valid authorization storage component stores and outputs a valid authorization code. The upgrade verifier inputs the decrypted authorization code and the valid authorization code, compares the decrypted authorization code to the valid authorization code to determine whether access to the

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portion of memory is authorized, and outputs a signal to enable access to the portion of memory. The upgrade storage component stores the signal output from the upgrade verifier..

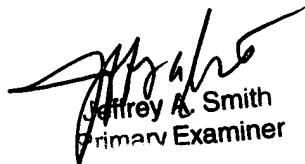
- Henson (U.S. Patent No.) teaches A web-based online store includes a configurator, a cart, a checkout, and a database, further in which a user interface of the online store enables a custom configuration of a computer system according to an identification of a user belonging to a prescribed customer set. The configurator is provided for configuring a computer system with options selected according to a prescribed user input, the options and a respective pricing for each option being presented on a configurator web page in accordance with the identification of the user belonging to a prescribed customer set.
- Olarig et al. (U.S. Patent No. 6,260,127) teaches owners of computer systems need no longer replace entire memory arrays to take advantage of new memory modules; some memory modules may be upgraded to a new type while other memory modules of an older type remain. The memory controller receives memory requests from multiple processors and bus masters, identifies a memory module and memory access parameters for each request, accesses the memory and returns the resulting data (during a read request) or stores the data (during a write request). In some systems, the memory controller of the present invention is a two-tier memory controller system having a first memory controller coupled to the bus and to the second tier of memory controllers or RAM personality modules that translate between the first memory controller and a particular type of memory module.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT
02 December 2003


Jeffrey A. Smith
Primary Examiner